

Our Ref: 22874 •

26 October 2023

Tel: 01539 715511

Web: www.uhmb.nhs.uk

Dr Minh Alexander



Dear Dr Alexander

RE: REQUEST FOR INFORMATION UNDER THE FREEDOM OF INFORMATION ACT (FOI Act)

I refer to your email of 29 September 2023 and I am now able to provide the following response to your request.

You asked us to supply the following information: Our replies appear in bold type below.

Maternity safety at UHMBT and referrals to the coroner

With respect to the senior coroner's comments as reported by the Daily Mail, that he could not recall any baby deaths referred by the trust since the 2015 Kirkup report:

<https://www.dailymail.co.uk/news/article-12573079/NHS-trust-baby-death-scandal-inquiry.html>

Can the trust please disclose:

- How many trust neonatal deaths have occurred since the publication of Bill Kirkup's report in March 2015?*

	2015	2016	2017	2018	2019	2020	2021	2022	2023
Total neonatal death	<5	<5	<5	7	5	<5	<5	5	<5
< 23 weeks	0	<5	0	<5	<5	<5	<5	<5	<5
>23 weeks	<5	<5	<5	<5	<5	<5	<5	<5	<5
Born at UHMBT and died at another Trust	0	<5	0	<5	<5	0	<5	0	0

2. *How many of these neonatal deaths were investigated by the trust?*

2015 = <5
2016 = <5
2017 = <5
2018 = 7
2019 = 5
2020 = <5
2021 = <5
2022 = 5
2023 = <5

All cases have been reviewed through rapid reviews, 72 hour reviews, the Perinatal Mortality Review Tool or a Serious Incident

3. *How many of these investigations into neonatal deaths have been shared with the babies' families?*

Please see response to Question 5.

4. *How many of these neonatal deaths were referred to HSIB?*

2018 = 0
2019 = <5
2020 = 0
2021 = <5
2022 = <5
2023 = <5

5. *How many of these neonatal deaths have the trust referred to the coroner?*

I can confirm that the Trust does hold the data you have requested, but considers the above request for information exempt under Section 12 (1) of the Freedom of Information Act (2000) as we believe responding would exceed the appropriate limit. For the NHS this is regulated as 18 hours of staff time, costed at £450, for each request or multiple requests off the same person under Section 12 (4) (a).

Due to the amount of time to answer Question 3 would be >10hours. To answer Question 5 would be an additional >10 hours. Therefore we estimate in excess of 20 hours to answer these two questions. This does not include the time it has taken to respond to the questions we have provided the information for. The Trust has used multiple systems since 2015 and a review of each care record would need to take place. This information is not held centrally and would require a review of every healthcare record.

6. *How many trust maternal deaths have occurred since the publication of Bill Kirkup's report in March 2015?*

2015 = <5
2016 = 0
2017 = 0
2018 = <5
2019 = 0
2020 = <5
2021 = <5

2022 = 0
2023 = 0

7. *How many of these maternal deaths have the trust referred to the coroner?*

2015 = <5
2016 = 0
2017 = 0
2018 = 0
2019 = 0
2020 = <5
2021 = <5
2022 = 0
2023 = 0

8. *How many of these maternal deaths have been referred to HSIB?*

Total = <5 (2021)

9. *How many trust stillbirths have occurred since the publication of Bill Kirkup's report in March 2015?*

2015 = 12
2016 = 10
2017 = 12

These include abnormalities however the system used at the time does not differentiate how many included babies born with abnormalities.

2018 = 15 (including <5 terminations of pregnancy for fetal abnormalities)
2019 = 7 (including <5 termination of pregnancy for fetal abnormalities)
2020 = 8 (including <5 terminations of pregnancy for fetal abnormalities)
2021 = 12 (including <5 terminations of pregnancy for fetal abnormalities)
2022 = <5 (including <5 termination of pregnancy for fetal abnormalities)
2023 = 6 (there were no terminations of pregnancy for fetal abnormality)

10. *How many intrpartum stillbirths have been referred to HSIB?*

2016 = 0
2017 = 0
2018 = 0
2019 = <5
2020 = 0
2021 = 0
2022 = 0
2023 = 0

11. *How many babies with potential severe brain injury have been referred to HSIB?*

2018 = 0
2019 = <5
2020 = <5
2021 = 0

2022= <5

2023= <5

We can confirm that we hold the information requested, but that the number is five or fewer. Please note that where the figures are less than five, this has been denoted by "<5". We regret to inform you that University Hospitals of Morecambe Bay NHS Foundation Trust takes the view that this information is exempt from disclosure in accordance with section 41(1)(a) and (b) of the 2000 Act. The reason why the Trust takes this view is because the numbers are low. With this, and any other publicly available information, the public could identify the deceased or other living persons identifiable through association.

As a public authority, under FOI the Trust must have assessed whether disclosure to yourself, and therefore the public at large, would be fair. We have considered the disclosure of such information unfair due to the possible identifying nature of the answer.

Furthermore, the Trust believes that the information it obtains about current and past patients carries a duty of inferred confidence and that the release of such information would breach that trust. This duty continues regardless of whether they are alive or deceased and extends in the protection of their families from inappropriate intrusion. A Public Interest Test has supported the position.

12. *Please disclose the trust's policy for liaison with the coroner's office and criteria/ procedure for referring cases to the coroner, and the management line structure within the trust which deals with these matters, including the executive director with ultimate responsibility.*

The local guidance: Please see attached - Medical Examiner's Office Process

The Trust uses the following national guidance:

<https://www.legislation.gov.uk/ukxi/2019/1112/made>

13. *Please disclose all trust submissions to NHS Resolution's maternity incentive scheme.*

Year 1 10/10

Year 2 10/10

Year 3 10/10

Year 4 7/10

If you are unhappy with the way the Trust has handled your request, you may ask for an internal review by contacting: Phil Woodford, Director of Corporate Affairs, Westmorland General Hospital, Burton Road, Kendal LA9 7RG.

For more information on our sites and services, including our latest Annual Report, please visit our website: <http://www.uhmb.nhs.uk>

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

I hope this information has answered your question. If you require any further clarification or assistance regarding this request, please do not hesitate to contact the Freedom of Information office on 01539 715511. Please remember to quote the reference number above in any future communications.

Kind regards

A handwritten signature in blue ink, appearing to read 'Phil Woodford', enclosed in a thin blue rectangular border.

PHIL WOODFORD
DIRECTOR OF CORPORATE AFFAIRS